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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,956	10/31/2003	Martin Scholz	16104-014001 / 2003P00684	8804
32864 7590 04/10/2007 FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER DUNN, DARRIN D	
			ART UNIT	PAPER NUMBER
			2109	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/10/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/698,956	Applicant(s) SCHOLZ ET AL.	
	Examiner Darrin Dunn	Art Unit 2109	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/28/2005, 01/12/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This Office Action is responsive to the communication filed on 10/31/2003
2. Claims 1-20 have been presented for examination

### ***Information Disclosure Statement***

3. The information disclosure statements filed 02/28/2005 & 01/12/2004 have been considered.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7 & 9-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hair (USPN 2004/0025037) in view of Cuomo et al. (USPN 6272539).
6. As per claims 1, 10, & 14, Hair teaches a method and a computer program product containing executable instructions that when executed comprise the steps of providing executable code from a server device to a client device that is capable of communicating with the server device, which code when executed blocks the client device from receiving user input during communications between the client device and the server device ([ABSTRACT], [0031], [0095], [0122] e.g., server firmware/software instructs client device to suspend user intervention,

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i.e., providing executable code during execution of the transmission request, i.e., communication. Client device and server device provided via a network, demonstrating communication capability of client device with server).

However, Hair does not disclose 1] a method of informing a user about communications between a client device and a server device or 2] if any of the communications between the client device and the server device lasts longer than a specific time, causing a message to be presented to a user of the client device.

Nevertheless, Cuomo et al. teaches 1] a method of informing a user about communications between a client device and a server device ([ABSTRACT], FIG 7(a-c)) and 2] the communications between the client device and the server device lasts longer than a specific time, causing a message to be presented to a user of the client device ([Col. 3, lines 21-24], [Col. 14, lines 18-29], [FIG 7(a-c)] e.g., presenting messages to client device if communication lasts longer than a specific time, i.e., a delay, is delineated via an indicator that displays estimated delays, see FIG 7(a-c)).

At the time the invention was made, one of ordinary skill in the art would have motivation to modify Hair to further adapt the server software/firmware to include presenting a user with a message pertaining to a specific time delay. Cuomo et al. provides that users are likely to become frustrated when they send a request to a server and then for an extended period nothing happens ([Col. 13, lines 1-5]) Furthermore, Cuomo et al. teaches that in response to user frustration due to delays, retransmission of the same message multiple times is likely to occur ([Col. 7, lines 34-36]). Hair discloses a user of a Client device communicates with the Serving Device... via initiating a hyperlink transmission request ([0122]). In turn, a user familiar with the

system is likely to expect a “lockup” during the transmission. During this process, where requests from a Client to a Server are made, it is possible that the request may be delayed. Given that the system in Hair teaches the client device is disabled during a communication between a server and client, confusion is likely to arise when the user is unsure whether the a delay is due, including (but not limited to), a problem with the network (network latency), client device (hardware/software malfunction), or due to the encryption algorithm (large files take longer). In effect, since a message pertaining to a network delay would help reconcile any confusion, especially if a “lockup” is expected, there is motivation to modify Hair to further include presenting a user with a message as taught by Cuomo et al.

7. As per claim 2, Hair teaches the method of claim 1 wherein the executable code is client-side framework code provided from framework code in the server device that controls communications between the server device and client devices ([0031], [0038], [0095]).

8. As per claim 3, Hair teaches the method of claim 1, further comprising providing the executable code in response to the server device receiving from the client device to launch an application program capable of initiating the communications ([0031], [0095], [0096], [0122], [0123] e.g., application program interpreted as Operating System that is instructed to communicate with Client via communication means).

9. As per claim 4, Cuomo et al., in combination with Hair, teaches the method of claim 3, further comprising providing application program code to the client device wherein the message is an over definition of a default message ([FIG 6(a-c), FIG 7 (a-e)], [Col. 13, lines 25-65] e.g., over definition of a default message is interpreted as an alternative message format juxtaposed to a providing an estimated delay value, i.e., default value. In the present case, multiple message

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formats are provided, i.e., over definitions, which present a default value, i.e., delay estimate, in a variety of formats).

10. As per claim 5, Cuomo et al. teaches the method of claim 1, wherein a communication lasts longer than the specific time due to network delays, server-side delays, or combinations thereof ([Col. 6, lines 25-34], [FIG 7(a-c)]).

11. As per claim 6, Cuomo et al. teaches the method of claim 1, wherein the communication lasts longer than the specific time when the client has not displayed a server response within the specific time ([Col. 6, lines 19-34], [Col. 14, lines 18-29]).

12. As per claim 7, Hair teaches the method of claim 1, wherein the executable code ceases to block the client device from receiving user input after each communication has ended ([0122], [0125] e.g., once At the point where the Controlling Client Software and/or Firmware has concluded its portion of the transmission, the user of the device is now able to play MP3 audio files – interpreted that the system has been released as to allow user input).

13. As per claim 9, Cuomo et al. teaches the method of claim 1, further comprising setting the specific time based on at least one selected from the group consisting of : roundtrip time for a communication between the server device and the client device ([Col. 8, lines 48-60], typical roundtrip times for communications between the server device and the client device ([Col. 9, lines 2-4] e.g., historical), a roundtrip time expected by at least one user of the client device ([Col. 9, lines 9-12], and combinations thereof ([FIG 4 ]) The system displays the estimated delay via FIG 7(a-c), i.e, selecting one from the group consisting of...an estimated delay).

14. As per claims 11, Hair teaches a method comprising: receiving executable code provided from a server device to a client device; blocking, per the executable code, the client device from

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receiving user input during its communications with a server device; [0031], [0095], [0122] e.g., server firmware/software instructs client device to suspend user intervention, i.e., providing executable code during execution of the transmission request, i.e., communication or receiving executable code. Client device and server device provided via a network, demonstrating communication capability of client device with server).

However, Hair does not disclose 1] a method of informing a user about communications between a client device and a server device or 2] if any of the communications between the client device and the server device lasts longer than a specific time, causing a message to be presented to a user of the client device.

Nevertheless, Cuomo et al. teaches 1] a method of informing a user about communications between a client device and a server device ([ABSTRACT]) and 2] the communications between the client device and the server device lasts longer than a specific time, causing a message to be presented to a user of the client device ([Col. 3, lines 21-24], [Col. 14, lines 18-29], [FIG 7(a-c)] e.g., presenting messages to client device if communication lasts longer than a specific time, i.e., a delay, is delineated via an indicator that displays estimated delays, see FIG 7(a-c)).

At the time the invention was made, one of ordinary skill in the art would have motivation to modify Hair to further adapt the server software/firmware to include presenting a user with a message pertaining to a specific time delay. Cuomo et al. provides that users are likely to become frustrated when they send a request to a server and then for an extended period nothing happens ([Col. 13, lines 1-5]) Furthermore, Cuomo et al. teaches that in response to user frustration due to delays, retransmission of the same message multiple times is likely to occur

([Col. 7, lines 34-36]). Hair discloses a user of a Client device communicates with the Serving Device... via initiating a hyperlink transmission request ([0122]). In turn, a user familiar with the system is likely to expect a “lockup” during the transmission. During this process, where requests from a Client to a Server are made, it is possible that the request may be delayed. Given that the system in Hair teaches the client device is disabled during a communication between a server and client, confusion is likely to arise when the user is unsure whether the a delay is due, including (but not limited to), a problem with the network (network latency), client device (hardware/software malfunction), or due to the encryption algorithm (large files take longer). In effect, since a message pertaining to a network delay would help reconcile any confusion, especially if a “lockup” is expected, there is motivation to modify Hair to further include presenting a user with a message as taught by Cuomo et al.

15. As per claim 12, Cuomo et al. teaches the method of claim 11 wherein the presented message is an over definition of a default messages ([FIG 6(a-c), FIG 7 (a-e)], [Col. 13, lines 25-65] e.g., over definition of a default message is interpreted as an alternative message format juxtaposed to a providing an estimated delay value, i.e., default value. In the present case, multiple message formats are provided, i.e., over definitions, which present a default value, i.e., delay estimate, in a variety of formats).

16. As per claim 13, Cuomo et al. teaches the method of claim 11, further comprising setting the specific time based on at least one selected from the group consisting of : roundtrip time for a communication between the server device and the client device ([Col. 8, lines 48-60], typical roundtrip times for communications between the server device and the client device ([Col. 9, lines 2-4] e.g., historical), a roundtrip time expected by at least one user of the client device, and



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combinations thereof ([ Col. 9, lines 9-12] e.g., estimated delay. The system displays the estimated delay via FIG 7(a-c), i.e, selecting one from the group consisting of...an estimated delay).

17. As per claim 15, Hair teaches a computer system ([0041]) to perform operations comprising:

A server device with server-side framework code which when executed on the server device established a client-server framework for client-server communications ([0031], [0095], [0122] e.g. framework code interpreted as the controlling serving software and/or firmware to instruct Operating system to communicate with a Client Device); and a client device with client-side framework code provided from the server device, which client-side framework code when executed on the client device blocks the client device from receiving user input during client-server communications ([0032], [0038], [0122] e.g., framework code is interpreted as firmware/software capable of providing instructions and/or establishing communication with a client device, see [0095], [0087], where the code is transmitted to client for execution wherein execution blocks user input. Client execution of instructions from server accomplished via Controlling Client Software).

However, Hair does not disclose where if any of the client-server communications lasts longer than a specific time, causes message to be to a user of the client device. Cuomo et al. teaches a computer system that provide a user a visual representation of the estimated overall delay, i.e., communication lasting longer than a specific time ([ABSTRACT]).

At the time the invention was made, one of ordinary skill in the art would have motivation to modify Hair to further adapt the server software/firmware, i.e., framework, to

include presenting a user with a message pertaining to a specific time delay. Cuomo et al. provides that users are likely to become frustrated when they send a request to a server and then for an extended period nothing happens ([Col. 13, lines 1-5]) Furthermore, Cuomo et al. teaches that in response to user frustration due to delays, retransmission of the same message multiple times is likely to occur ([Col. 7, lines 34-36]). Hair discloses a user of a Client device communicates with the Serving Device... via initiating a hyperlink transmission request ([0122]). In turn, a user familiar with the system is likely to expect a “lockup” during the transmission. During this process, where requests from a Client to a Server are made, it is possible that the request may be delayed. Given that the system in Hair teaches the client device is disabled during a communication between a server and client, confusion is likely to arise when the user is unsure whether the a delay is due, including (but not limited to), a problem with the network (network latency), client device (hardware/software malfunction), or due to the encryption algorithm (large files take longer). In effect, since a message pertaining to a network delay would help reconcile any confusion, especially if a “lockup” is expected, there is motivation to modify Hair to further include presenting a user with a message as taught by Cuomo et al.

18. As per claim 16, Cuomo et al. teaches the computer system of claim 15, wherein the client-side framework code when executed causes the message to be presented for client-server communications that last longer than the specific time due to network delays, server-side delays, or combinations thereof ([Col. 6, lines 25-34], [Col. 14, lines 6-29], [FIG 7(a-c)]).

19. As per claim 17, Cuomo et al. teaches the computer system of claim 15 wherein the message is an over definition of a default message ([FIG 6(a-c), FIG 7 (a-e)], [Col. 13, lines 25-65] e.g., over definition of a default message is interpreted as an alternative message format

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juxtaposed to a providing an estimated delay value, i.e., default value. In the present case, multiple message formats are provided, i.e., over definitions, which present a default value, i.e., delay estimate, in a variety of formats).

20. As per claim 18, Cuomo et al., teaches the computer system of claim 15, wherein the client-side framework code causes the message to be displayed on the client device ([Col. 14, lines 6-15]).

21. As per claim 19, Cuomo et al. teaches the computer system of claim 15, wherein the specific time based on at least one selected from the group consisting of : roundtrip time for a communication between the server device and the client device ([Col. 8, lines 48-60], typical roundtrip times for communications between the server device and the client device ([Col. 9, lines 2-4] e.g., historical), a roundtrip time expected by at least one user of the client device, and combinations thereof ([ Col. 9, lines 9-12] e.g., estimated delay, and combinations thereof ([FIG 4]) The system displays the estimated delay via FIG 7(a-c), i.e, selecting one from the group consisting of...an estimated delay).

22. As per claim 20, Cuomo et al. teaches the computer system of claim 15, wherein at least one roundtrip time for a communication between the server device and client device is recorded and the specific time is set based on the at least one roundtrip time ([Col. 8, lines 54-60], [Col. 14, lines 6-25] e.g., in order to display a roundtrip time/estimated delay, the system inherently records the delay, and it is interpreted that the delay, i.e., specific time, is set to equal the delay value).

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23. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hair (USPN 2004/0025037) in view of Cuomo et al. (USPN 6272539) and in further view of Nicholas III (USPN 2002/0057285).

24. As per claim 8, Hair as modified by Cuomo et al. according to claim 1, teaches executable code presenting a message on client device during one of the communications on the client device and further teaches that the executable code releases the client ([0122], [0125] e.g., At the point where the Controlling Client Software and/or Firmware has concluded its portion of the transmission, the user of the device is now able to play MP3 audio files – interpreted that the system has been released or blocked from user input).

However, it does not teach causing the client device to cease presenting the message after that communication has ended. Nicholas III teaches a step of extinguishing the message when the message could distract the user ([0017]).

At the time the invention was made, one of ordinary skill in the art would have motivation to remove the message indicator once communication as ended. Since a residual indicator could interfere with operation of the client device once user interaction has been re-established, there is motivation to further include this feature.

### ***Conclusion***

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6850911 – Secure manipulation archiving retrieval and transmission system

20020019844 – Method and System for network distributed computing

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20020069365 – Limited Use Browser and Security System

20020107040 – Latency Determination

20030065715 – System and Method of a wireless thin-client, server-centric framework

20040049696 – Communication System with Routing Controls

20040093372 – Challenge and response interaction between client and server

20050119967 – Information processing device and method

20070029380 – Method to disable use of selected applications

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darrin Dunn whose telephone number is (571) 270-1645. The examiner can normally be reached on EST:M-R(8:00-5:00) 9/5/4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xiao Wu can be reached on (571) 272-7761. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

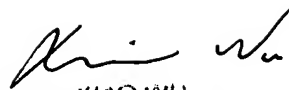
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